

JUSTICE COURT, PRECINCT FIVE
COUNTY OF COCHISE, STATE OF ARIZONA

COPY

**AFFIDAVIT FOR
SEARCH WARRANT**

No.

SW20190002

YOUR AFFIANT, **Deputy Rene Meza #1201**, A PEACE OFFICER IN THE STATE OF ARIZONA AND EMPLOYED BY THE COCHISE COUNTY SHERIFF'S DEPARTMENT, BEING FIRST DULY SWORN, UPON OATH, DESPOSES AND SAYS:

THAT ON or about the 2nd day of January, 2019, a public offense in violation of Arizona Revised Statutes:

ARS 13-3408A1, Possession of Narcotic Drug, Felony
ARS 13-3408,A2,Possession of a Narcotic Drug For Sale, Felony
ARS 13-3415A, Possession of Drug Paraphernalia, Felony
ARS13-3408A7, Transportation of a Narcotic Drug For Sale, Felony
ARS 13-3421A, Use of a Building to Sell Drugs, Felony

were committed in the County of Cochise, State of Arizona.

YOUR AFFIANT (has probable cause to believe) that:

- (X) in and upon the premises (including all buildings, structures, rooms, equipment, and vehicles used in connection or located within the curtilage of said premises) known and described as:

The residence is addressed 6110 S Richter Ln, Hereford, AZ. The residence lies on West side of S Richter LN. S Richter LN is a dead end street, originating at E Apache Point Rd. The front door to the home faces north, north west. There is a single dirt driveway leading from S Richter Ln to a concrete parking area. The home is constructed of a wood, and covered with a stucco material. The home is painted an off white color. The home is a single level residence, with a slanted roof. The roof to the home is constructed of asphalt type shingles, that appear to be brown. The GPS coordinates to this home are listed as N 31.4582, W 110.2778. The garage door to the home faces S Richter Ln. The garage is located on the east side of the home with the letter "G" attached above the garage door. There are address numbers are affixed to this same wall.

There is certain property or things:

- (X) which were used as means for committing a public offense
- (X) which are being possessed with intent to use as a means of committing a public offense
- (X) which consists of any item or constitutes any evidence which tends to show that a public offense has been committed such as being more fully described in the affidavit.

THAT SAID PROPERTY OR THINGS ARE DESCRIBED AS FOLLOWS:

SEE ATTACHMENT A

AND THAT THE facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

On 01-02-19 at approximately 1830, your affiant was notified of a traffic stop conducted by Sheriff Dannels. The stop was conducted at 5620 S Hwy 92 (Shell Gas Station) on a gray in color Mazda 4DSD bearing Utah plate 7A2PN. Your affiant later learned Sheriff Dannels initiated the traffic stop due to the vehicle failing to dim the headlights which is a violation of ARS 28-942.1. Sheriff Dannels was traveling west on Ramsey Canyon Rd and the violator vehicle was traveling eastbound on Ramsey Canyon Rd. Sheriff Dannels flashed his high beams to notify the other vehicle of the high beams however they did not take off the high beams. Sheriff Dannels turned around on the vehicle to initiate a traffic stop in his unmarked patrol unit which is equipped with emergency lights.

Shortly after the traffic stop, Sheriff Dannels advised that the front occupant had abruptly exited the vehicle and entered the convenience store. Sheriff Dannels requested additional personnel to assist with locating the second subject. This subject was described as a male subject wearing a gray hoodie. Prior to your affiant's arrival to scene, Sgt. Watkins had located a male subject, later identified as Augustine Maldonado, matching this description inside the bathroom and had him detained in handcuffs. Sgt. Watkins requested your affiant stand by with him outside the bathroom while he continues to check the men's restroom for additional persons and/or illicit items.

Your affiant, asked Augustine if he had any weapons on him and he stated there was a knife inside his hoodie pocket. I located a small, silver folding pocket knife which not folded closed. Your affiant took custody of this knife. Shortly after, Sgt. Watkins exited the

restroom and continued to talk with Augustine. Sgt. Watkins conducted a cursory search of his person and found no weapons. Augustine clenched onto a brown paper bag. Augustine disclaimed ownership of the bag and stated he found it within the bathroom. Sergeant Watkins asked me to escort Augustine to my patrol vehicle and removed the paper bag from his grasp. Sergeant Watkins opened the bag and located what he immediately identified as several grams of heroin accompanied by donuts. Augustine then stated he grabbed the donuts from within the gas station, but found the plastic bag (containing heroin) on the toilet paper dispenser within the bathroom. It should be noted that the substance was later field tested at the CCSO Sierra Vista Substation using a Narcotics Identification Kit. The field test displayed a positive result for Opium Alkaloids, which is a chemical property of Heroin. The two separate pieces of plastics contained heroin with an approximate GFW of 24.6 grams in one which is considered an amount for sale and the second had an approximate GFW of 1.6 grams which is also considered an amount for sale. The combined weight of the two plastic bags was approximately 26.2 grams, GFW.

Your affiant, took custody of Augustine and while he was being escorted out of the store, you affiant and Sgt. Watkins asked the store clerk about the donuts and according to the store clerk he had yet to pay for the two donuts which had a value of \$2.18. Augustine was escorted to my patrol vehicle and was thoroughly searched. Your affiant located no other illicit items on his person. Your affiant asked Augustine to verify his name and date of birth and your affiant was able to confirm his identity with Arizona driver's license.

Augustine was placed inside the backseat of your affiant's patrol vehicle. Your affiant then conducted an interview on scene. Your affiant advised Augustine of Rights to which he acknowledged understanding his rights and agreed to answer questions. Augustine advised he was picked up by the driver as he was walking to the store. Augustine stated he was walking from a friend's house when he was picked up by the driver. Augustine stated she he only knows the driver by the name Ashley. Augustine stated when they came to a stop, Ashley handed him a bag and she told him to go inside the store. Your affiant asked Augustine if he knew what was in the bag and he acknowledged it was heroin. Augustine stated the heroin belonged to Ashley and surprised when she handed him to the bag. Augustine was transported and booked into the Cochise County Jail.

Ashley was also taken into custody. You affiant was notified of a small digital scale located in a purse containing personal items belonging to her and further admitted the purse belonged to her. A search of the vehicle was conducted and several latex gloves were found inside the cabin of vehicle. It should be noted the vehicle is registered to Ashley Shapely.

You affiant and Sgt. Watkins conducted an interview with Ashley at the Cochise County Sheriff's Office. Ashley was advised of her Rights and she acknowledged to understanding her Rights. Ashley acknowledged to meeting Augustine a couple weeks ago on Fry Blvd. Ashley stated she knows Augustine as "Sonny." Ashley explained she noticed

"Sonny" because he had the appearance of drug user. Ashley stated she got a contact phone for "Sonny" for future possibly drug purchases. Ashley explained she had a "relapse" therefore contacted "Sonny" a few days ago and has been using heroin the last four days. Ashley was asked if her DNA would be on the plastic bags containing the heroin and she stated yes because she had been using heroin the last four days. Ashley then began making comments about needing a lawyer therefore the interview was discontinued.

Sgt. Watkins would then conducted a secondary interview with Augustine. It was learned during this interview that Ashley sells heroin out of her residence and he was the "body guard." It was also learned Augustine had been purchasing heroin from Ashley the last couple of days for "\$5 a point."

Your affiant believes that items of evidentiary value exist within Ashley Shapley's residence of (6110 S Richter Ln). Your affiant knows based on his knowledge, training, experience, and in speaking to seasoned narcotic investigators that those who typically sell illegal drugs hold items tying them to said sales in their place of residence. Further, those who sell illegal drugs and transport said drugs typically do not carry it all with them to avoid detection. The amount of Heroin located (26.2g GFW) is a definite for sale amount. Those who sell illegal drugs typically keep a ledger or some sort of documentation whether it be written or stored electronically which assists them in keeping track of their products and proceeds. Also, the profits obtained from illegal drug sales are typically housed in a safe location away from others, that safe location typically being on their person or in their place of residence. Your affiant is also aware that those who use and sell illegal drugs typically do not use or sell one drug and solely one drug. This is to reach a broader range of "customers" which in turn increases their profit. Your affiant asks for a night time warrant be granted due to the aforementioned information and evidence having evidentiary value being at the residence which could be destroyed.

 #1201

(Signature of Affiant)

Peace Officer for the State of Arizona

SWORN TO AND SUBSCRIBED in my presence this 2nd day of January, 2019



(Justice of the Peace)